

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT

|                            |   |                        |
|----------------------------|---|------------------------|
| NORMA LYLES                | § |                        |
| <i>Plaintiff</i>           | § |                        |
|                            | § |                        |
| VS.                        | § |                        |
|                            | § |                        |
| WESTBURY RESERVE OWNER     | § |                        |
| LLC, WESTBURY RESERVE TIC  | § | CIVIL NO.: 4:21-CV-469 |
| II OWNER, LLC, WESTBURY    | § |                        |
| RESERVE TIC III OWNER, LLC | § |                        |
| WESTBURY RESERVE TIC IV    | § |                        |
| OWNER, LLC AND WESTBURY    | § |                        |
| RESERVE TIC V OWNER, LLC   | § |                        |
| <i>Defendant</i>           | § |                        |

**DEFENDANT, WESTBURY RESERVE OWNER, LLC'S**  
**NOTICE OF REMOVAL**

COMES NOW, WESTBURY RESERVE OWNER, LLC, Defendant and files this Notice of Removal pursuant to 28 U.S.C. section 1446 (a), and hereby removes this case from the 281<sup>st</sup> Judicial District Court in Harris County Texas to the United States District Court for the Southern District of Texas.

Defendant has denied the claims and damages alleged in Plaintiff's Original Petition and files this notice without waiving any claims, defenses, exceptions or obligations that may exist in its favor in State or Federal Court.

I.  
**INTRODUCTION**

WESTBURY RESERVE OWNER LLC is the Defendant in a civil action commenced on January 9, 2021 in the 281<sup>st</sup> District Court in Harris County Texas styled Norma Lyles v. Westbury Reserve Owner LLC (et. al.), Cause No. 2021-02994 (hereinafter referred to as the State Court Action).

Pursuant to the local rules of the Southern District of Texas copies of all pleadings and orders served in the State Court Action are attached along with the index of the State Court documents. The address for the 281<sup>st</sup> Judicial District Court of Harris County is 201 Caroline St., Houston, Texas 77002.

Plaintiff in the State Court Action is Norma Lyles and her attorney is Richard Jason Nava of Nava Law Group P.C. 4909 Bissonnet St., Suite 100, Bellaire Texas 77401, Tel. (713) 661-9900: Email: [eserviceRJN@stern-lawgroup.com](mailto:eserviceRJN@stern-lawgroup.com) , State Bar of Texas No. 24083552.

Defendant, WESTBURY RESERVE OWNER LLC is represented by Michael J. Griffin, III, GRIFFIN & GRIFFIN, 3003 S. Loop W., Suite 206, Houston, Texas 77054, Tel. (713) 228-6568; Email: [eservice@griffinandgriffin.us](mailto:eservice@griffinandgriffin.us).

The Plaintiff has also named WESTBURY RESERVE TIC II – V OWNER LLC, Defendants in his State Court Petition but stated service on those Defendants was not necessary at this time. Therefore, the only

current party to this case is WESTBURY OWNER LLC.

Defendant demands a jury trial on all issues.

II.

**BASIS FOR REMOVAL**

Defendant has filed an Answer in the State Court Action.

The lawsuit was filed in Harris County on January 9, 2021 and Defendant was served on January 21, 2021 therefore this Notice of Removal is timely filed pursuant to 28 U.S.C. Section 1446 (b), as it is filed within 30 days of receipt of the Citation and Petition.

**A. Diversity of Citizenship**

1. The District Courts of the United States have original jurisdiction of this action based on diversity of citizenship among the parties. Every Defendant is now and was at the time the action was filed diverse in citizenship from the Plaintiff. Defendant is and was at the time the suit was filed a Citizen of Delaware and not a Citizen of Texas.

As stated in Plaintiff's Original Petition Plaintiff is an individual residing in Harris County, Texas and Defendant WESTBURY RESERVE OWNER LLC is a Foreign Limited Liability Company. As can be seen from the attached Exhibit "A" Defendant is a Delaware Corporation.

**B. Amount in Controversy in this action**

Exclusive of interests and costs the amount in controversy exceeds the sum of \$75,000.00. As reflected in Plaintiff's Original Petition filed in the State Court Action Plaintiff's claims are said to be worth over \$250,000.00 but less than \$1,000,000.00.

Removal of the State Court Action is proper pursuant to 28 U.S.C. section 1441 since it is a civil action brought in the State Court and the Federal District Court has original jurisdiction over the subject matter under 28 U.S.C. section 1332 (a) as Plaintiff and Defendant are diverse in citizenship.

WHEREFORE PREMISES CONSIDERED, Defendant respectfully prays that the Court, pursuant to the statutes in conformity with the requirements set forth in 28 U.S.C. section 1446, remove this action from the 281<sup>st</sup> District Court in Harris County Texas to this Honorable Court in the Southern District of Texas.

Respectfully submitted,

Date: 02/10/2021

*Michael J. Griffin /s/*

---

MICHAEL J. GRIFFIN III  
SBN: 08463020  
FEDERAL I.D. NO. 9661  
**GRIFFIN & GRIFFIN**  
3003 South Loop West, Suite 206  
Houston, Texas 77054-1372  
(713) 228-6568 Tel.

(713) 228-9900 Fax.

Michael@griffinandgriffin.us

**ATTORNEY FOR DEFENDANT  
WESTBURY RESERVE OWNER, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel of record by certified mail, return receipt requested, e-service, e-mail, facsimile transmission, and/or hand delivered by messenger, on this the 10<sup>th</sup> day of February 2021.

Richard Jason Nava  
NAVA LAW GROUP, P.C.  
4909 Bissonnet St., Suite 100  
Bellaire, Texas 77401  
Tel. 713/661-9900  
Fax. 713/666-5922  
eserviceRIN@stern-lawgroup.com

Date: 02/10/2021

*Michael J. Griffin III*

---

MICHAEL J. GRIFFIN, III

# **EXHIBIT “A”**

# Delaware

The First State

Page 1

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT  
COPY OF THE CERTIFICATE OF FORMATION OF "WESTBURY RESERVE OWNER  
LLC", FILED IN THIS OFFICE ON THE TWENTIETH DAY OF AUGUST, A.D.  
2018, AT 4:45 O`CLOCK P.M.*



7023863 8100  
SR# 20186285064

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

Authentication: 203286540  
Date: 08-21-18

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 04:45 PM 08/20/2018  
FILED 04:45 PM 08/20/2018

**CERTIFICATE OF FORMATION** SR 20186259652 - File Number 7023863

**OF**

**Westbury Reserve Owner LLC**

- FIRST:** The name of the limited liability company is Westbury Reserve Owner LLC.
- SECOND:** The address of its registered office in the State of Delaware is 1013 Centre Road, Suite 403-B in the City of Wilmington, Delaware 19805, in the County of New Castle. The name of its registered agent at such address is Vcorp Services, LLC.
- THIRD:** Members may be admitted in accordance with the terms of the Operating Agreement of the limited liability company.

**IN WITNESS WHEREOF**, the undersigned has executed this Certificate of Formation on August 20, 2018.

/s/Limary Hewes  
Limary Hewes, Authorized Person



UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT

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| <i>Defendant</i>           | § |            |

**CERTIFICATE OF INTERESTED PERSONS**

Pursuant to Fed. R. Civ. P.7.1 and LR 3.1©, LR 3.2€, LR 7.4, LR 81.1(a)(4)(D), and LR 81.2, WESTBURY RESERVE OWNER LLC, Defendant provides the following information:

A complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

WESTBURY RESERVE OWNER LLC, Defendants, Michael J. Griffin, III – Defendant’s Attorney;

NORMA LYLES – Plaintiff, Richard Jason Nava – Plaintiffs’ Attorney.

Respectfully submitted,

Date: 02/10/2021

*Michael J. Griffin* /s/

---

MICHAEL J. GRIFFIN III  
SBN: 08463020  
FEDERAL I.D. NO. 9661  
**GRIFFIN & GRIFFIN**  
3003 South Loop West, Suite 206  
Houston, Texas 77054-1372  
(713) 228-6568 Tel.  
(713) 228-9900 Fax.  
[Michael@griffinandgriffin.us](mailto:Michael@griffinandgriffin.us)  
**ATTORNEY FOR DEFENDANT**  
**WESTBURY RESERVE OWNER, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel of record by certified mail, return receipt requested, e-service, e-mail, facsimile transmission, and/or hand delivered by messenger, on this the 10<sup>th</sup> day of February 2021.

Richard Jason Nava  
NAVA LAW GROUP, P.C.  
4909 Bissonnet St., Suite 100  
Bellaire, Texas 77401  
Tel. 713/661-9900  
Fax. 713/666-5922  
[eserviceRIN@stern-lawgroup.com](mailto:eserviceRIN@stern-lawgroup.com)

Date: 02/10/2021

*Michael J. Griffin* /s/

---

MICHAEL J. GRIFFIN, III

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**LIST OF COUNSEL OF RECORD**

Plaintiff in the State Court Action is Norma Lyles and her attorney is, Richard Jason Nava, Nava Law Group, P.C., 4909 Bissonnet, Suite 100, Bellaire, Texas 77401, Tel. 713/661-9000. His State Bar Number is 24083552 and his Email: [eserviceRJN@stern-lawgroup.com](mailto:eserviceRJN@stern-lawgroup.com).

WESTBURY RESERVE OWNER LLC is represented by Michael J. Griffin, III, SBN: 08463020, GRIFFIN & GRIFFIN, 3003 South Loop West, Suite 206, Houston, Texas 77054, Tel. 713/228-6568, Fax. 713/228-9900, [Michael@griffinandgriffin.us](mailto:Michael@griffinandgriffin.us).

Respectfully submitted,

Date: 02/10/2021

*Michael J. Griffin*

---

MICHAEL J. GRIFFIN III

SBN: 08463020

FEDERAL I.D. NO. 9661

**GRIFFIN & GRIFFIN**

3003 South Loop West, Suite 206

Houston, Texas 77054-1372

(713) 228-6568 Tel.

(713) 228-9900 Fax.

Michael@griffinandgriffin.us

**ATTORNEY FOR DEFENDANT**

**WESTBURY RESERVE OWNER, LLC**

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Bellaire, Texas 77401  
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Fax. 713/666-5922  
eserviceRIN@stern-lawgroup.com

Date: 02/10/2021

*Michael J. Griffin*

---

MICHAEL J. GRIFFIN, III

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**INDEX OF DOCUMENTS TO BE FILED WITH NOTICE OF REMOVAL**

1. Plaintiff's Original Petition filed on January 18, 2021 in Cause No. 2021-02944;
2. Proof of Service on Westbury Reserve Owner LLC on January 21, 2021;
3. Defendant's Original Answer filed on January 29, 2021;
4. Defendant's Notice of Removal.



3. Defendant WESTBURY RESERVE OWNER, LLC, is a Foreign Limited Liability Company (LLC) doing business in the State of Texas and may be served with service of process by serving its Registered Agent, Vcorp Services, LLC, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136, or wherever it may be found.

4. Defendant WESTBURY RESERVE TIC II OWNER, LLC, is a Foreign Limited Liability Company (LLC) doing business in the State of Texas and may be served with service of process by serving its Registered Agent, Vcorp Services, LLC, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136. **Service on this Defendant is not necessary at this time.**

5. Defendant WESTBURY RESERVE TIC III OWNER, LLC, is a Foreign Limited Liability Company (LLC) doing business in the State of Texas and may be served with service of process by serving its Registered Agent, Vcorp Services, LLC, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136. **Service on this Defendant is not necessary at this time.**

6. Defendant WESTBURY RESERVE TIC IV OWNER, LLC, is a Foreign Limited Liability Company (LLC) doing business in the State of Texas and may be served with service of process by serving its Registered Agent, Vcorp Services, LLC, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136. **Service on this Defendant is not necessary at this time.**

7. Defendant WESTBURY RESERVE TIC V OWNER, LLC, is a Foreign Limited Liability Company (LLC) doing business in the State of Texas and may be served with service of process by serving its Registered Agent, Vcorp Services, LLC, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136. **Service on this Defendant is not necessary at this time.**

#### C. JURISDICTION AND VENUE

8. Venue is proper in Harris County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code §15.001 *et seq.* because all or a substantial part of the events or omissions giving rise to the claims arose in Harris County, Texas. This Court has jurisdiction over the parties and subject matter hereof.

#### D. FACTS

9. At all times material hereto, Defendants were the owners, managers, operators and/or occupier of the premises in question, specifically the premises known as Westbury Reserve Apartments, located at 12261 Fondren Road, Houston, Harris County, Texas. At all times material hereto, Defendants were in control of said premises.

10. Whenever it is alleged in this Petition that Defendants did or failed to do any act or thing, it is meant that such commission or omission was performed or omitted by any agents, servants, representatives, employees and/or managers of Defendants, and that in each instance the agents, servants, representatives, employees and/or managers were then acting for and on behalf of Defendants and within the course and scope of his/her employment or within the authority delegated to him/her by Defendants.

11. On or about July 26, 2019, while on Defendants' premises, Westbury Reserve Apartments, located at 12261 Fondren Road, Houston, Harris County, Texas, Plaintiff NORMA LYLES suffered serious and permanent bodily injuries as a direct result of an occurrence caused by Defendants' negligent activity and/or a dangerous condition on the Defendants' premises that Defendants and/or its respective agents, servants and employees knew, or in the exercise of ordinary care should have known existed. Specifically, Plaintiff slipped and fell on a broken step. The incident and Plaintiff's resulting injuries and damages were directly and proximately caused by Defendants' negligence and/or a defective condition on Defendants' premises. At all times material hereto, Plaintiff was an invitee on Defendant's premises.



E. NEGLIGENCE/PREMISES LIABILITY.

12. The condition described above was negligently created and/or allowed to exist by Defendants, and Defendants negligently allowed it to persist without correcting it or adequately warning the public, including Plaintiff, of its presence. Defendants were negligent in one or more of the following particulars, each of which, separately and/or concurrently, was a proximate cause of the occurrence in question and Plaintiff's resulting injuries and damages:

- a. In negligently failing to provide Plaintiff a safe place to live;
- b. In negligently permitting a dangerous condition to exist in the area of the premises where Plaintiff was living;
- c. In negligently permitting a dangerous condition to exist in the area of the premises where Plaintiff was living for an unreasonable amount of time;
- d. In failing to inspect the area of the premises where the incident occurred to ensure its safety to invitees, including Plaintiff;
- e. In failing to perform adequate, regular and/or timely inspections of the area of the premises where the incident occurred to ensure its safety to invitees, including Plaintiff;
- f. In failing to adequately maintain the premises in question in a reasonably safe condition;
- g. In failing to adequately and timely remove or remedy the dangerous condition as described above;
- h. In failing to properly supervise and train its employees with regard to proper inspection of the premises for the existence of dangerous conditions such as the one described above;
- i. In failing to properly supervise and train its employees with regard to proper and timely removal of dangerous conditions, such as the one described above, existing on Defendant's premises;
- j. In failing to follow Defendant's own policies with regard to inspection of the premises in question for dangerous conditions existing on Defendant's premises;
- k. In failing to adequately warn Plaintiff of the unreasonably dangerous condition described above;

- l. In failing to prevent the unreasonably dangerous condition described above from occurring or existing;
  - m. In permitting the unreasonably dangerous condition described above to exist when Defendant knew or should have known of its existence and that it posed an unreasonable risk of bodily harm;
  - n. In failing to provide barriers so that invitees, including Plaintiff, would not walk in the area where the incident occurred; and
  - o. In failing to exercise reasonable care to reduce or eliminate the risk posed by the unreasonably dangerous condition described above.
13. Defendants had actual or constructive knowledge of the unreasonably dangerous condition described above and that it posed an unreasonable risk of bodily injury.
14. In the alternative, Defendants reasonably should have known of the existence of and dangers posed by the unreasonably dangerous condition described above.
15. Nothing Plaintiff did or failed to do caused or contributed to cause the incident in question or her resulting injuries and damages.
16. Defendant's negligence described above directly and proximately caused the incident in question and Plaintiff's resulting injuries and damages.

#### F. RESPONDEAT SUPERIOR

17 The person and/or persons who worked in the Defendants' premises were agents, servants and/or employees of Defendants and were acting within the course and scope of their employment and in furtherance of Defendants' business when Plaintiff was at Westbury Reserve Apartments. As Such Defendants WESTBURY RESERVE OWNER, LLC, WESTBURY RESERVE TIC II OWNER, LLC, WESTBURY RESERVE TIC III OWNER, LLC, WESTBURY RESERVE TIC IV OWNER, LLC and WESTBURY RESERVE TIC V OWNER,

LLC. are responsible for the conduct due to the master-servant relationship which existed, and under the doctrine of Respondeat Superior.

#### G. NO CONTRIBUTION

18. Plaintiff, NORMA LYLES, would show that nothing she did, or failed to do, in any way contributed to this accident.

#### H. DAMAGES

19. Due to the occurrence made the basis of this suit and the negligence of Defendants as set forth above, the Plaintiff sustained significant physical and debilitating injuries. Said elements of damage which Plaintiff seeks to recover from the Defendants include compensation for the following:

- a. The physical pain and disability sustained by Plaintiff from date of injury to the time of trial;
- b. Future physical pain and disability reasonably anticipated to be sustained by Plaintiff in the future;
- c. Mental anguish and suffering sustained by Plaintiff from date of injury to time of trial;
- d. Mental anguish and suffering which is reasonably anticipated to be suffered by Plaintiff in the future;
- e. Loss of earnings sustained by Plaintiff from date of injury to time of trial;
- f. Loss of earnings and earning capacity reasonably anticipated to be suffered by Plaintiff in the future;
- g. Reasonable and necessary medical expenses incurred by Plaintiff in the treatment of Plaintiff's injuries from date of injury to time of trial;
- h. Reasonable and necessary medical expenses reasonably anticipated to be sustained by Plaintiff in the future for treatment of Plaintiff's injuries;
- i. Past and future physical disfigurement; and
- j. Past and future physical impairment.

20. As such, Plaintiff affirmatively pleads that she seeks monetary relief aggregating over \$250,000.00 but less than \$1,000,000.

#### I. REQUEST FOR JURY TRIAL

21. Plaintiff requests a jury trial.

#### J. PRE-EXISTING INJURY

22. In the alternative, Plaintiff, NORMA LYLES, would show that if any injury and/or condition from which she currently suffers was pre-existing, then such condition was aggravated, exacerbated, and/or made worse by the negligence of the Defendants herein.

#### K. SUBSEQUENT INJURY

23. In the alternative, Plaintiff, NORMA LYLES, would show that if she suffers from any subsequent injury and/or condition then such injury and/or condition was aggravated and/or exacerbated by the negligence of the Defendants herein.

#### L. REQUEST FOR DISCLOSURE

24. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are hereby requested to disclose, within fifty (50) days of service of this document, the information or material described below. Please serve your responses on counsel representing this Plaintiff, and produce true and correct copies of all documents and other tangible items with your responses, in accordance with Rule 194.4.

25. Plaintiff requests disclosure of the following, pursuant to Rules 194.2:

- (1) the correct names of the parties to the lawsuit;
- (2) the name, address, and telephone number of any potential parties;
- (3) the legal theories and, in general, the factual bases of Defendant's claims or defenses;
- (4) the amount and any method of calculating economic damages;

- (5) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (6) A copy or a description by category and location of all documents, electronically stored information, and tangible things that the Defendant has in its possession, custody or control, and may use to support its claims or defenses, unless the use would be solely for impeachment;
- (7) any indemnity and insuring agreements described in Rule 192.3(f);
- (8) any settlement agreements described in Rule 192.3(g);
- (9) any witness statements described in Rule 192.3(h);
- (10) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (11) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and.
- (12) the name, address, and telephone number of any person who may be designated as a responsible third party.

#### M. SPOILIATION

26. Defendants are hereby requested to retain any and all witness statements, incident reports, photographs, facsimiles, email, voice mail, text messages, and any electronic image or information related to the referred incident and all investigative materials associated with this claim, together with all surveillance tapes/video of the premises on the date of this incident. Plaintiff further requests Defendants provide a copy of the surveillance video.

#### N. PRAYER

27. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited to appear and answer herein, and that upon final trial hereof, Plaintiff recover from said Defendants, jointly and severally, a sum over \$250,000.00 but less than \$1,000,000, costs of Court, pre-judgment

and post-judgment interest at the legal rate, and for any and all further relief, both general and special, legal and equitable to which Plaintiff may be justly entitled.

Respectfully submitted,

**NAVA LAW GROUP, P.C.**

*/s/ Richard Jason Nava*

**RICHARD JASON NAVA**

SBN: 24083552

4909 Bissonnet St., Suite 100

Bellaire, Texas 77401

713/661-9900

713/666-5922 Facsimile

Email: [eserviceRJN@stern-lawgroup.com](mailto:eserviceRJN@stern-lawgroup.com)

**ATTORNEY FOR PLAINTIFF**

47732.01

By: Bonnie Lugo  
Filed: 1/25/2021 12:26 PM  
Receipt Number: 908746  
Tracking Number: 73832095EML  
COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 202102944

PLAINTIFF: LYLES, NORMA

In the 281st Judicial

vs.

District Court of

DEFENDANT: WESTBURY RESERVE OWNER LLC

Harris County, Texas

## CITATION

THE STATE OF TEXAS  
County of HarrisTO: WESTBURY RESERVE OWNER LLC MAY BE SERVED BY SERVING ITS REGISTERED AGENT VCORP  
SERVICES LLC

1999 BRYAN ST SUITE 900

DALLAS TX 75201-3136

OR WHEREVER IT MAY BE FOUND

Attached is a copy of PLAINTIFFS ORIGINAL PETITION JURY DEMAND AND REQUEST FOR  
DISCLSURES.This instrument was filed on January 19, 2021, in the above numbered and styled cause  
on the docket in the above Judicial District Court of Harris County, Texas, in the  
courthouse in the City of Houston, Texas. The instrument attached describes the claim  
against you.YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not  
file a written answer with the District Clerk who issued this citation by 10:00 a.m.  
on the Monday next following the expiration of twenty days after you were served this  
citation and petition, a default judgment may be taken against you. In addition to  
filing a written answer with the clerk, you may be required to make initial  
disclosures to the other parties of this suit. These disclosures generally must be  
made no later than 30 days after you file your answer with the clerk. Find out more  
at TexasLawHelp.org.ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this  
January 19, 2021.*Marilyn Burgess*Marilyn Burgess, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002

Generated By: CAROLINA SALGADO

Issued at request of:  
NAVA, RICHARD JASON  
4909 BISSONNET ST., SUITE 100  
HOUSTON, TX 77401  
713-661-9900

Bar Number: 24083552



Tracking Number: 73832095  
EML

CAUSE NUMBER: 202102944

PLAINTIFF: LYLES, NORMA

vs.

DEFENDANT: WESTBURY RESERVE OWNER LLC

In the 281st

Judicial District Court

of Harris County, Texas

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 12 o'clock P. M., on the 19th day of

Executed at (address) 1999 Bryan St #900 Dallas, TX 75201

in Dallas County

at 1:30 o'clock P. M., on the 21st day of

by delivering to IT Corporation Systems Registered Agent defendant,

in person, a true copy of this

Citation together with the accompanying \_\_\_\_\_ copy(ies) of the

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this 21st day of

Jan, 20 21

FEE: \$ 75.00

County, Texas

[Signature] Affiant

By: [Signature] 15c-17147 Exp 09/30/21

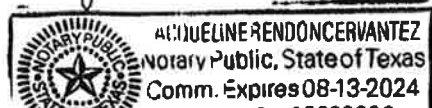
Deputy

On this day, Cheryl Albert, known to me to be the person whose signature

appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME on this 21 of

January, 20 21



[Signature] Lucretia



**Legal/SOP Cover Sheet**

Friday, January 22, 2021

Steven Goldman  
 IB3 Realty Group  
 PO Box 576  
 Tallman, New York, 10982

**Re:** Westbury Reserve Owner LLC , Texas  
**Case #:**  
**Vcorp Log #:** VS-103935

Dear Steven Goldman,

Attached please find copies of service of process received by Vcorp Services LLC, its subsidiaries or affiliates ("Vcorp") on behalf of the above referenced entity.

**Date Served:** 1/21/2021  
**Jurisdiction:** Texas  
**Sender's Name:** Nava Law Group, P.C.  
**Sender's Address:** 4909 Bissonnet St., Suite 100  
**Sender's City/State/Zip:** Bellaire, TX 77401  
**Type:** Citation

## Document History:

| Log#:     | Doc Type:     | Date Received: | Jurisdiction: | Case Caption: |
|-----------|---------------|----------------|---------------|---------------|
| VS-103935 | Citation      | 1/22/2021      | Texas         |               |
| VS-79175  | Demand Letter | 6/27/2019      | Texas         |               |
| VS-79101  | Demand Letter | 6/25/2019      | Texas         |               |

Please advise if you have any questions or as we can be of service

Ken Chiang

25 Robert Pitt Drive, Suite 204  
 Monsey, New York 10952  
 Tel. 888-528-2677

NO. 2021-02944

|                            |   |                                     |
|----------------------------|---|-------------------------------------|
| NORMA LYLES                | § | IN THE DISTRICT COURT               |
| <i>Plaintiff</i>           | § |                                     |
|                            | § |                                     |
| VS.                        | § |                                     |
|                            | § |                                     |
| WESTBURY RESERVE OWNER     | § |                                     |
| LLC, WESTBURY RESERVE TIC  | § | 281 <sup>ST</sup> JUDICIAL DISTRICT |
| II OWNER, LLC, WESTBURY    | § |                                     |
| RESERVE TIC III OWNER, LLC | § |                                     |
| WESTBURY RESERVE TIC IV    | § |                                     |
| OWNER, LLC AND WESTBURY    | § |                                     |
| RESERVE TIC V OWNER, LLC   | § |                                     |
| <i>Defendant</i>           | § | HARRIS COUNTY, TEXAS                |

**DEFENDANT, WESTBURY RESERVE OWNER, LLC'S**  
**ORIGINAL ANSWER AND REQUEST FOR DISCLOSURE**  
**TO PLAINTIFF, NORMA LYLES**

COMES NOW WESTBURY RESERVE OWNER, LLC, Defendant in the above-entitled and numbered cause and in answer to Plaintiffs Original Petition and would respectfully show unto the Court as follows:

I.

Defendant, WESTBURY RESERVE OWNER, LLC, generally deny the allegations of the petition and thus asserts the privilege of having such allegations proved by a preponderance of the evidence. Defendant will amend its Answer as necessary.

II.

Defendant is alleging contributory negligence on the Plaintiff and this incident was caused by the negligence or other conduct of third parties not under Defendant's control.

III.

Pursuant to Rule 194 of the Texas Rules of Civil Procedure you are requested to disclose within 32-days the service of this request, the information or material described in Rule 194.2(a) through (m).

WHEREFORE, PREMISES CONSIDERED, Defendant prays that petitioner takes nothing by reason of this suit, that the Defendant be discharged and that it go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which it may show itself to be justly entitled.

Respectfully submitted,

**GRIFFIN & GRIFFIN**



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**ATTORNEYS FOR DEFENDANT  
WESTBURY RESERVE OWNER, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel of record by certified mail, return receipt requested, e-service, e-mail, facsimile transmission, and/or hand delivered by messenger, on this the 29<sup>th</sup> day of January 2021, in compliance with Tex.R.Civ.P. 21:

Ricard Jason Nava  
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4909 Bissonnet St., Suite 100  
Bellaire, Texas 77401  
Tel. 713/661-9900  
Fax. 713/666-5922  
[eserviceRIN@stern-lawgroup.com](mailto:eserviceRIN@stern-lawgroup.com)



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MICHAEL J. GRIFFIN III  
MARILYN O. GRIFFIN